B-8 1 of 14

#### SUBDIVISION REVIEW SHEET

**CASE NO.:** C8-2019-0056.0A **Z.A.P. DATE:** July 7, 2020

**SUBDIVISION NAME:** Westlake Heights

**AREA**: 2.259 acres **LOTS**: 3

**APPLICANT:** Hutson Interest, LLC **AGENT:** Stantec Consulting Services, Inc.

(Duane Hutson) (Jennifer Leonard, P.E.)

**ADDRESS OF SUBDIVISION:** 1608 Barclay Dr.

**EXISTING ZONING:** SF-2 **JURISDICTION:** Full Purpose

**PROPOSED LAND USE:** Residential

**VARIANCE:** A variance to L.D.C Section 25-4-33 for a Balance of Tract is requested for a neighboring unplatted property not included in the proposed subdivision. Section 25-4-33(B) requires that an applicant include all land from an original tract in a Subdivision application. Section 25-4-33(C) states that the Land Use Commission can waive this code section if the requirement is impractical. The property that is the Balance of Tract is west of the proposed subdivision, labeled as AR & JR Radio Tower #1 LP consisting of .229 acres with a cell tower use, refer to Exhibit #1 for the location of the tract.

The .229 acre Balance of Tract is owned by a separate owner and the owner has knowledge of the proposed subdivision. The applicant has provided notice to the adjacent owner of the proposed subdivision and received a response to the notice. The adjacent property owner acknowledges the subdivision application, and that the .229 acre Balance of Tract should not be included in the subdivision, see Exhibit #2.

Staff recommends the variance since the adjacent property owner provided acknowledgement that the .229 acre tract should not be included in the proposed subdivision, and the Balance of Tract has access to public-right-of way through a Non-Exclusive Easement Agreement, refer to Exhibit #3. The Non-Exclusive Easement Agreement which serves the entire property included in the subdivision is annotated on the plat along Barclay Drive. The applicant will also provide a Joint Use Access Easement with this plat to serve the lots included in the plat, this easement is also annotated on the plat with a note.

**STAFF RECOMMENDATION:** If the variance is approved, staff recommends approval of the subdivision. With the variance approval, this plat would meets all other applicable State and City of Austin Land Development Code requirements.

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**<u>DEPARTMENT COMMENTS</u>**: The request is for the approval of the Westlake Heights subdivision composed of 3 lots on 2.259 acres. The applicant proposes to subdivide the property for residential uses. The developer will be responsible for all cost associated with required improvements.

**PHONE:** 512-974-3404

<u>CASE MANAGER</u>: Cesar Zavala <u>E-mail</u>: cesar.zavala@austintexas.gov

SITE LOCATION MAP

N.T.S.



Stantec Consulting Services Inc. 1905 Aldrich Street Suite 300 Austin TX 78723-3544 Tel: (512) 328-0011

TBPE # F-6324 TBPLS # 10194230 Client/Project

HUTSON INTEREST, LLC

**WESTLAKE HEIGHTS** 

Project No. 222011617

SITE LOCATION MAP

Revision

0

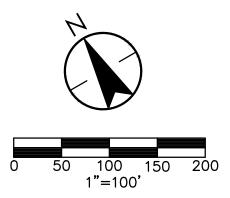
Reference Sheet

Date 2019-03-12

Figure No. EXH B-8 4 of 14

# WESTLAKE HEIGHTS SUBDIVISION

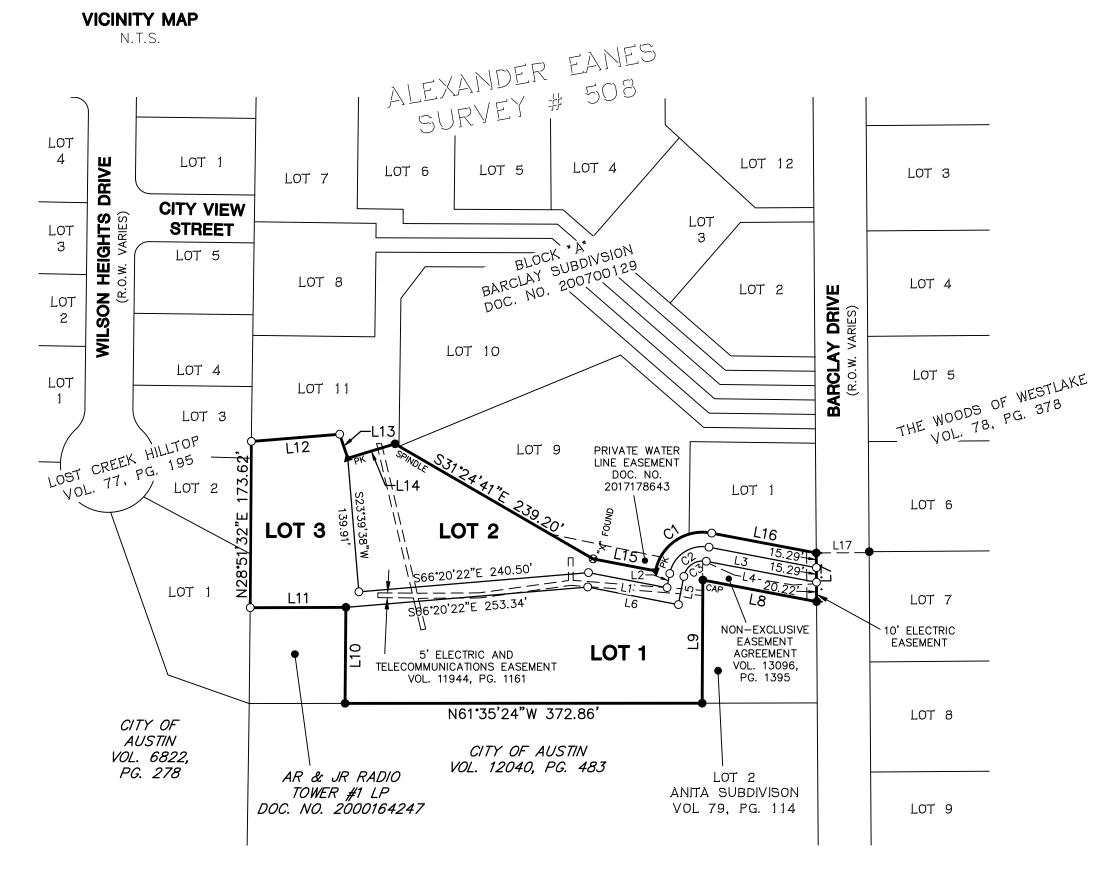
BEING A RESUBDIVISION OF LOT 1, BLOCK "A" ANITA SUBDIVISION AND 1.616 ACRE TRACT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.



THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATION (CORS) NETWORK.

#### **BEARING BASIS NOTE:**

STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING ALLTERRA CENTRAL CONTINUALLY OPERATING REFERENCE



## LOT SUMMARY LOT # BUILDABLE ACCESS TOTAL 41,836 SQ FT 2,679 SQ FT 44,515 SQ FT 23,442 SQ FT 3,926 SQ FT 27,368 SQ FT |18,758 SQ FT| 7,772 SQ FT |26,530 SQ FT TOTAL 84,036 SQ FT 14,377 SQ FT 98,413 SQ FT

## **LEGEND**

1/2" IRON ROD FOUND 1/2" IRON ROD WITH "STANTEC" CAP SET \*x" FOUND "X" CUT IN CONCRETE FOUND 1/2" IRON ROD WITH "HOLT CARSON" CAP FOUND PK NAIL FOUND

COTTON SPINDLE FOUND SIDEWALK

LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S50°38'33"E	83.51	L7	S28°03'08"W	50.80'	L13	S9°52'05"W	26.46
L2	N39°21'27"E	14.96	L8	N50*49'38"W	120.89	L14	S78°33'37"E	51.61
L3	S50°47'59"E	114.13'	L9	S28*45'18"W	128.52'	L15	S50°38'33"E	66.44
L4	S50°47'59"E	117.14	L10	N28*56'31"E	100.28	L16	S50°47'59"E	111.12
L5	N39°21'27"E	29.91	L11	N61°46'00"W	99.98'	L17	S61°56'52"E	55.32
L6	S50°38'33"E	96.44	L12	S66°10'15"E	92.54			

CURVE TABLE							
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH		
C1	78.44	50.00'	89°53'11"	N84°27'54"E	70.64'		
C2	54.91'	35.00'	89°53'11"	S84°27'54"W	49.45'		
С3	31.38'	20.00'	89°53'11"	S84°27'54"W	28.26'		

## **ACCESS EASEMENT NOTES:**

SITE

BARTON CREEK

GREENBELT

RIGHT OF INGRESS AND EGRESS OF RECORD CITED IN VOLUME 4547 PAGE 807 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS FOR THE BENEFIT OF THE TRACT ADJOINING LOTS 1, 2 AND 3 SHOWN HEREON FOR A COMMUNICATIONS TOWER AND EQUIPMENT AFFECTS THIS SUBDIVISION.

A JOINT USE ACCESS EASEMENT IS RECORDED WITH THIS PLAT IN \_\_\_\_ OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

# **WESTLAKE HEIGHTS SUBDIVISION**

A 3 LOT SUBDIVISION CONSISTING OF 2.259 ACRES DATE: APRIL 12, 2019 PREPARED BY:

Austin, Texas 78723

Tel. (512) 328-0011 Fax (512) 328-0325 TBPE # F-6324 TBPLS # 10194230 Copyright © 2019

Drawn by: ABB Approved by: JTB Project No.: 222011617 FILE: V:\2220\active\222011617\survey\drawings\222011617v02\_pl01.dwg May 28, 20 12:38 PM by: aburklund

# STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

THAT HUTSON INTERESTS, LLC, ACTING HEREIN BY AND THROUGH DUANE HUTSON, ITS MANAGER, BEING THE OWNER OF THAT CERTAIN 2.259 ACRE TRACT OF LAND OUT OF THE ALEXANDER EANES SURVEY NO. 508, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING COMPRISED OF LOT 1, BLOCK "A" ANITA SUBDIVISION OF RECORD IN VOLUME 79, PAGE 114 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND THAT CERTAIN 1.616 ACRE TRACT OF LAND BOTH CONVEYED TO HUTSON INTERESTS, LLC BY DEED OF RECORD IN DOCUMENT NO. 2019002012 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND SAID SUBDIVISION HAVING BEEN APPROVED FOR RESUBDIVISION PURSUANT TO THE PUBLIC NOTIFICATION AND HEARING PROVISIONS OF CHAPTER 212.014 OF THE LOCAL GOVERNMENT CODE, DO HEREBY RESUBDIVIDE SAID 2.259 ACRES IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, TO BE KNOWN AS:

#### "WESTLAKE HEIGHTS SUBDIVISION"

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

DAUNE HUTSON, MANAGER DATE HUTSON INTERESTS, LLC 1120 S. CAPITAL OF TEXAS HIGHWAY BUILDING 2, SUITE 110 AUSTIN, TEXAS 78746

#### STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_\_ DAY OF \_, 20\_\_\_, BY DAUNE HUTSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT FOREGOING INSTRUMENT WAS EXECUTED FOR THE PURPOSES THEREIN EXPRESSED AND IN THE CAPACITY THEREIN

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, A.D.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS. MY COMMISSION EXPIRES

#### FLOODPLAIN NOTE:

THE TRACT SHOWN HEREON LIES WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON MAP NO. 48453C0440H, REVISED SEPTEMBER 26, 2008, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

## ENGINEER'S CERTIFICATION:

I, DAVID A. MILLER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

DATE

DAVID A. MILLER, P.E. TEXAS REGISTRATION NO. 90235 STANTEC CONSULTING SERVICES, INC 1905 ALDRICH STREET, SUITE 300 AUSTIN, TEXAS 78723

## SURVEYOR'S CERTIFICATION:

. JOHN T. BILNOSKI, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEYING RELATED PORTIONS OF TITLE 25 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND WAS PREPARED FROM AN ACTUAL ON THE GROUND SURVEY OF THE PROPERTY MADE UNDER MY DIRECTION AND SUPERVISION.

JOHN T. BILNOSKI, R.P.L.S. DATE TEXAS REGISTRATION NO. 4998 STANTEC CONSULTING SERVICES, INC. 1905 ALDRICH STREET, SUITE 300 AUSTIN, TEXAS 78723

SHEET

# OF 2

# WESTLAKE HEIGHTS SUBDIVISION

BEING A RESUBDIVISION OF LOT 1, BLOCK "A" ANITA SUBDIVISION AND 1.616 ACRE TRACT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS,

#### **GENERAL NOTES:**

- NO LOT SHALL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY SYSTEM.
- THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THE SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIN UTILITY DESIGN CRITERIA. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE AUSTIN WATER UTILITY. ALL WATER AND WASTEWATER CONSTRUCTION MUST BE INSPECTED BY THE CITY OF AUSTIN. THE LANDOWNER MUST PAY THE CITY INSPECTOR FEE WITH THE UTILITY CONSTRUCTION.
- THE LANDOWNER IS RESPONSIBLE FOR PROVIDING THE SUBDIVISION INFRASTRUCTURE INCLUDING THE WATER AND WASTEWATER LITILITY IMPROVEMENTS
- BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH THE CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
- NO BUILDING, FENCES, LANDSCAPING, OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.
- THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICATION CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATTING MAY BE REQUIRED, AT THE OWNER'S EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
- ALL STREETS, DRAINAGE IMPROVEMENTS, PUBLIC SIDEWALKS, EROSION CONTROLS AND WATER AND WASTEWATER LINES ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN STANDARDS.
- AUSTIN ENERGY HAS THE RIGHT TO CUT AND TRIM TREES AND SHRUBBERY AND REMOVE OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR OF OBSTRUCTIONS. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-8, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
- THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT MAY PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES WITHIN OR ALONG THE PERIMETER OF THIS SUBDIVISION/LOT. THESE EASEMENTS/ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDINGS AND WILL NOT BE LOCATED AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
- THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
- EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION, PURSUANT TO THE LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL.
- 12. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFELY CODE. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND TEXAS STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICE UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COST INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.
- ALL RESTRICTIONS AND NOTES FROM THE PREVIOUS EXISTING SUBDIVISION, ANITA SUBDIVISION AS RECORDED IN VOLUME 79, PAGE 114, TRAVIS COUNTY PLAT RECORDS, SHALL APPLY TO THIS SUBDIVISION PLAT.
- ALL ELECTRIC EASEMENTS MUST BE SHOWN ON ALL PLAN SHEETS, LEFT CLEAR FOR ELECTRIC USE AND MAINTENANCE ON A 24/7 BASIS IN PERPETUITY AND MAINTAIN NECESSARY CLEARANCES FROM ANY PROPOSED STRUCTURES, VEGETATION, ETC. AT ALL TIMES. NECESSARY CLEARANCES INFORMATION (AE, OSHA, NESC AND NEC) MAY BE FOUND IN AUSTIN ENERGY'S DESIGN CRITERIA MANUAL - SECTION 15.3.5. THE MANUAL IS AVAILABLE ON AUSTIN ENERGY'S WEBSITE UNDER CONTRACTORS/ ELECTRIC SERVICE DESIGN AND PLANNING.
- 15. WITHIN THE BARTON SPRINGS ZONE, THE MAXIMUM PORTION OF ANY COMMERCIAL MULTI-FAMILY OR SINGLE FAMILY/ DUPLEX LOT THAT MAY BE ESTABLISHED AS TURF OR LANDSCAPED IS 15 PERCENT. HOWEVER, NO LOT SHALL BE RESTRICTED TO LESS THAN 2000 SQUARE FEET OF TURF OR LANDSCAPED AREA. UNDISTURBED NATURAL AREAS OR AREAS RESTORED TO NATURAL CONDITIONS SHALL NOT BE CONSIDERED LANDSCAPING OR TURF.
- 16. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNERS OR ASSIGNS.
- PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
- FOR A MINIMUM TRAVEL DISTANCE OF 25 FEET FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF AUSTIN.
- PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS SHALL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION ON LOTS 1-3 REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT PERMIT.
- ACCESS TO AND FROM THE ADJACENT (0.2295 ACRE) TRACT REFERENCED HEREON AS THE AR AND JR RADIO TOWER NO. 1, LP TRACT, IS PROVIDED PER THE TERMS AND CONDITIONS OF THAT AGREEMENT FOR INGRESS AND EGRESS AS SET OUT IN THAT DEED RECORDED IN VOLUME 4547, PAGE 807 OF THE DEED RECORDS OF TRAVIS
- A FEE-IN-LIEU OF PARKLAND DEDICATION AND PARK DEVELOPMENT HAS BEEN PAID FOR 1 RESIDENTIAL UNIT. NO FEE WAS CHARGED FOR THE 2 EXISTING RESIDENCES.
- 22. ALL ADDRESSES FOR RESIDENTIAL LOTS UTILIZING A FLAG LOT DESIGN MUST BE DISPLAYED AT THEIR CLOSEST POINT OF ACCESS TO A PUBLIC STREET.
- THIS SUBDIVISION PLAT WAS APPROVED AND RECORDED BEFORE THE CONSTRUCTION AND ACCEPTANCE OF STREETS AND OTHER SUBDIVISION IMPROVEMENTS. PURSUANT TO THE TERMS OF A SUBDIVISION CONSTRUCTION AGREEMENT BETWEEN THE SUBDIVIDER AND THE CITY OF AUSTIN, DATED \_\_\_\_\_ \_\_\_\_, 20\_\_, THE SUBDIVIDER IS RESPONSIBLE FOR THE CONSTRUCTION OF ALL STREETS AND FACILITIES NEEDED TO SERVE THE LOTS WITHIN THE SUBDIVISION. THIS RESPONSIBILITY MAY BE ASSIGNED IN ACCORDANCE WITH THE TERMS OF THAT AGREEMENT. FOR THE CONSTRUCTION AGREEMENT PERTAINING TO THIS SUBDIVISION, SEE THE SEPARATE INSTRUMENT RECORDED IN DOC# \_\_\_\_\_, IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
- 24. WATER METERS AND CLEANOUTS SHALL NOT BE LOCATED IN DRIVEWAYS OR SIDEWALKS.
- EACH LOT SHALL HAVE INDEPENDENT WATER METERS AND CLEANOUTS AND PRIVATE PLUMBING SHALL NOT CROSS LOT LINES. PRIVATE LINES MAY CROSS PERPENDICULARLY BUT OTHERWISE SHALL NOT BE LOCATED WITHIN A PUBLIC UTILITY EASEMENT.

GENERAL NOTES (CONTINUED):

- 26. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, WATER QUALITY PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. WATER QUALITY TREATMENT SHALL MEET ALL APPLICABLE WATER SHED REQUIREMENTS. ALL PROPOSED CONSTRUCTION ON LOTS 1-3, BLOCK A, REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT PERMIT.
- 27. THE SELLER IS REQUIRED TO PROVIDE THE OCCUPANT OF EACH LOT, AT THE TIME OF OCCUPANCY, A HOMEOWNER ENVIRONMENTAL EDUCATION PACKET THAT HAS BEEN APPROVED BY THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT. THIS PACKET SHALL INCLUDE AN INTEGRATED PEST MANAGEMENT PLAN (IPM) FOR POLLUTION PREVENTION AND SOURCE CONTROL OF PESTICIDES AND HERBICIDES; AND, A PUBLIC EDUCATION PROGRAM DESCRIBING METHODS TO REDUCE NON-POINT SOURCE POLLUTION.
- MAINTENANCE OF WATER QUALITY CONTROLS SHALL BE ACCORDING TO CITY OF AUSTIN STANDARDS.
- PRIOR TO CONSTRUCTION ON ANY LOT IN THIS SUBDIVISION, CONSTRUCTION PLANS FOR WATER QUALITY FACILITIES MUST BE SUBMITTED TO AND APPROVED BY THE CITY OF AUSTIN.
- DRIVEWAY MUST HAVE AN ALL-WEATHER SURFACE AND PAVEMENT STRUCTURE MEETING PRIVATE STREET STANDARDS. THE DRIVEWAY MUST BE DESIGNED TO HAVE NO MORE THAN 9 INCHES OF WATER OVERTOPPING THE DRIVEWAY DURING A 100-YEAR STORM EVENT.
- 31. THE DEVELOPER MUST ERECT SIGNS INDICATING "PRIVATE DRIVEWAY" AT THE DRIVEWAY ENTRANCE.
- 32. A JOINT USE DRIVEWAY MAY NOT SERVE MORE THAN EIGHT DWELLING UNITS PER LDC 25-6-451(C).
- EXTENDED OR OBSTRUCTED FIRE ACCESS SHALL BE MITIGATED WITH AN AFD APPROVED FIRE SPRINKLER SYSTEM FOR NEW BUILDINGS ON LOTS 2 AND 3.
- AUSTIN ENERGY WILL ACQUIRE ELECTRICAL EASEMENTS FOR LOTS 1, 2 AND 3 AT THE TIME OF THE ELECTRICAL DESIGN FOR ELECTRICAL SERVICE.
- 35. THE DEVELOPER MUST CONSTRUCT A TURNAROUND MEETING CITY OF AUSTIN FIRE CRITERIA AT THE END OF THE DRIVEWAY, OR NO FURTHER THAN 200 FROM THE END OF THE DRIVEWAY, AND MUST OBTAIN A WRITTEN SIGNATURE FROM THE AREA FIRE SERVICE PROVIDERS ACKNOWLEDGING THEIR APPROVAL OF THE JOINT USE
- 36. AFD ACCESS APPROVED BY THE FIRE MARSHAL SHALL BE BUILT PRIOR TO NEW VERTICAL RESIDENTIAL CONSTRUCTION FOR LOTS 2 AND 3.
- A VARIANCE TO SECTION 25-4-34 OF THE LAND DEVELOPMENT CODE, WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON \_\_\_\_\_

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE JURISDICTION OF THE CITY OF AUSTIN ON THIS
THE DAY OF, 20
ACCEPTED AND AUTHORIZED FOR RECORD BY THE ZONING & PLATTING COMMISSION OF THE CITY OF
AUSTIN, TEXAS, THIS, THE DAY OF, 20, A.D.

CITY CERTIFICATIONS:

JOLENE KIOLBASSA, CHAIR

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT. CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, A.D.

ANA AGUIRRE, SECRETARY

CESAR ZAVALA, FOR: DENISE LUCAS, ACTING DIRECTOR DEVELOPMENT SERVICES DEPARTMENT

## STATE OF TEXAS §

DEPUTY

COUNTY OF TRAVIS §

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON

THE	DAY OF	, 20,	A.D. AT	0'c	CLOCK	M., AN	DULY	RECORDED	ON	THE
!	DAY OF,	20, A.D.	AT	_ O'CLOCK	M.,	OFFICIAL	PUBLIC	RECORDS	OF	SAID
COUNTY A	AND STATE IN DOCUMENT	NO								

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE \_\_\_\_\_ DAY OF \_\_\_\_\_ DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

BY:					-
FILED FOR RECORD	AT	_ o'clock	M.,		
THIS THE	_ DAY OF .		,	20,	Α
DANA DEBEAUVOIR, TRAVIS COUNTY, TE		LERK			
BY:					

## **WESTLAKE HEIGHTS** SUBDIVISION

A 3 LOT SUBDIVISION CONSISTING OF 2.259 ACRES DATE: APRIL 12, 2019



Austin, Texas 78723 Tel. (512) 328-0011 Fax (512) 328-0325

Drawn by: ABB Approved by: JTB Project No.: 222011617

PREPARED BY:

FILE: V:\2220\active\222011617\survey\drawings\222011617v02\_pl01.dwg May 28, 20 12:38 PM by: aburklund

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TBPE # F-6324 TBPLS # 10194230

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**Stantec Consulting Services Inc.** 1905 Aldrich Street, Suite 300, Austin TX 78723

October 25, 2019 File: 222011617

Attention: Mr. Cesar Zavala

City of Austin -- Development Services Department

505 Barton Springs Road Austin, Texas 78704

Dear Mr. Zavala,

Reference: Westlake Heights Subdivision (C8-2019-0056.0A)

Variance for Balance of Tract

We are requesting a variance from Subsection B of the City of Austin Land Development Code 25-4-33, which states that "an applicant shall include all land in the original tract in an application for... plat approval."

The Westlake Heights subdivision application proposes to resubdivide an existing legal tract into three (3) single family residential flag lots by incorporating additional unplatted land. As a result of the Anita Subdivision and as described in the attached deed, a single tract from the original tract remains remain. This parcel is described in this letter as 'AR Tract' parcel number 0109230123. See **Exhibit A** attached to this letter.

The director may grant a variance to Subsection (B) if the director determines the following, stated in Subsection (D):

- 1. Subdividing only a portion of the original tract will not substantially impair the orderly planning of roads, utilities, drainage, and other public facilities;
  - All roads, utilities, drainage, etc. are accounted for with the sequential subdivision construction plans for Westlake Heights, submitted under Case Number C8-2019-0056.0B that is currently under review by City staff.
- 2. The portion of the original tract contiguous to the area to be subdivided has direct access to a public street, or the applicant has provided access to a public street by dedicating right-of-way at least 50 feet wide;
  - Access to the AR Tract (parcel #0109230123) is currently provided as a blanket easement in Attachment A of Travis County document recorded as volume 4547 page 807. An additional access easement for the new flag lots created in this subdivision will also provide ingress/egress to the AR Tract.
- 3. A reasonable use of the balance of the original tract is possible; and
  - The tract is currently used as a radio and communications tower and reasonable use is not impeded by the proposed subdivision.
- 4. The applicant has mailed, by certified mail, to all owner of land that is a portion of the original tract and contiguous to the land included in the application a request that each owner provide written confirmation to the director that:
  - a. The owner's land is not a legal lot or tract; and

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October 25, 2019 Mr. Cesar Zavala Page 2 of 2

**Reference:** Westlake Heights Subdivision (C8-2019-0056.0A)

Variance for Balance of Tract

b. The owner must plat the land before the City may approve a development permit or a utility company may provide initial or additional service.

A letter sent by certified mail stating the information above has been returned to the applicant stating that the owner(s) of the AR Tract do not wish to participate in the platting application. A copy of this letter has been provided to City of Austin staff, and is also provided with this request.

In summary, we are requesting a variance from LDC 25-4-33(B) on the grounds that there is an existing legal lot created from the original tract, effectively deleting parcel #0109230123 from the balance of tract in its current state. The AR Tract was created by the deed TR Vol. 4547 Pg. 807 which also grants an existing blanket easement for access across the property to be platted. These existing conditions provide required access for reasonable use of the land. Additionally, the proposed access easement for the shared drive will provide defined access and easement frontage to the AR Tract.

If you have any questions, please do not hesitate to contact our office.

Regards,

STANTEC CONSULTING SERVICES INC.

Jennifer Leonard, P.E. Civil Engineer

Civil Engineer Phone: 512-328-0011 Fax: 512-328-0325

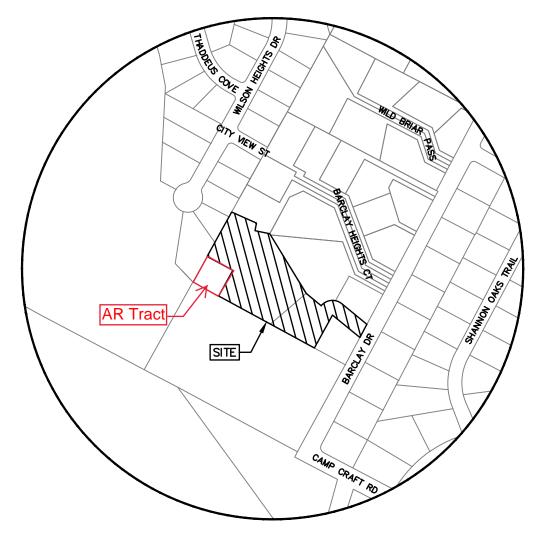
Jennifer.Leonard@stantec.com

Attachments: Exhibit A: Site Location Map, Travis County Document Vol. 4547 Pg. 807, certified mail letter to AR Tract owners

Design with community in mind

# **EXHIBIT** #1





**EXHIBIT A** SITE LOCATION MAP N.T.S.



Stantec Consulting Services Inc. 1905 Aldrich Street Suite 300 Austin TX 78723-3544 Tel: (512) 328-0011 www.stantec.com

TBPE # F-6324 TBPLS # 10194230

HUTSON INTEREST, LLC

**WESTLAKE HEIGHTS** 

Project No. 222011617 SITE LOCATION MAP

Revision 0

Reference Sheet

Date 2019-03-12

Figure No. EXH

August 26, 2019

AR & JR Radio Tower #1 LP P.O. Box 29627 Austin, Texas 78755-6627 Hutson Land Planners
Development Consultants, LLC

Dear Property Owner:

In compliance with Austin Land Development Code Section 25-4-33 ORIGINAL TRACT REQUIREMENT, I am writing this letter to notify you that an application for the re-subdivision of "Westlake Heights" has been submitted to the City of Austin Development Review Department. The purpose of the re-subdivision is to incorporate the remainder of the tract associated with 1608 Barclay Drive into a three-lot subdivision including the existing Lot 1 of the Anita Subdivision. Ingress and egress to your property will continue to be provided through the property being re-subdivided as described in the "Warranty Deed With Vendor's Lien" recorded as Travis County Deed Records Volume 4547 Page 407-810, on February 2, 1973.

It has been determined that your property at 1606 Barclay Drive, along with the property included in the re-subdivision area, was part of the original Warranty Deed (dated March 3, 1942 and recorded in the Deed Records of Travis County, book number 692, page 526 to 528) in effect when the property was brought into the City of Austin's extra-territorial jurisdiction (ETJ) on July 19,1951. Although your property has been under separate ownership since February 2, 1973, the Austin Land Development Code requires that the owner of the balance of the original tract be notified of the proposed subdivision presently under consideration, and that you are given an opportunity to include your property in the proposed subdivision with the applicant.

If you do not wish to participate in the proposed subdivision, you should be aware that 1) the City may not recognize your property, the balance of the original tract, as a legal lot, and 2) you may be obligated to plan your property in the future as a condition of receiving new utility service from the City.

Please sign below acknowledging your receipt of this notice and return the form to Duane Hutson at your convenience or within ten (10) days of the postmarked date to the Planning and Development Review Department, Attention Case Manager: Westlake Heights Re-Subdivision (1608 Barclay Drive). If you have any questions or want to discus this information in more detail, please contact me at 512-327-8222 or <a href="mailto:duane@hutsonlandplanners.com">duane@hutsonlandplanners.com</a>.

Sincerely

Duane Hutson, AICP

CC: Case Manager

Development Services Department

P.O. Box 1688

Austin, Texas 78767

My signature below attests that I have received the notice pursuant to Section 25-4-33(A)(4) of the Austin Land Development Code regarding the balance of the tract for the Westlake Heights Re-subdivision of Lot 1 of the Anita Subdivision, and I do not wish to participate in the re-subdivision process.

Signature

Date

MOTICE

Prepared by the State Bar of Jexas for use by Lawyers only. 11-72-2531 To select the proper form fill in blank spaces, strike our form provisions or insert special terms constitutes the practice of law. No. "standard form" can meet all requirement.

# WARRANTY DEED WITH VENDOR'S LIEN

7 9' 7'

THE STATE OF TEXAS

LETEUTI.

COUNTY OF TRAVIS

KNOW ALL MIN BY THESE PRESENTS:

That LELAND BARCLAY AND WIFE JOHNIE BARCLAY, HEREINAFTER CALLED "GRANTORS

of the County of

TRAVIS

and State of

TEXAS

for and

in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00)-----DOLLARS

and other valuable consideration to the undersigned paid by the grantee s herein named, the receipt of

which sherely acknowledged and the further consideration of the sum of Five Thousand Dollars (35,000.00) paid and secured to be paid and secured to be paid by Grantees to the Grantors according to the terms and conditions of one certain \$5,000.00 promissory note of even date herewith, executed and delivered by Allen R. Rundell, Grantee, made payable to Leland Barclay and wife, Johnie Barclay, in Austin, Travis County, Texas; with interest as therein provided, and under terms and conditions as therein provided.

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of

-inust of even date herewith to

Trustee.

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

ALLEN R. RUNDELL AND WIFE,

BETTY JEAN RUNDELL,

of the County of

TRAVIS

and State of TEXAS

all of the following described real

property in TRAVIS County, Texas, to-wit:

It being a tract of land out of the Alexander Eanes Survey #508, Travis County, Texas and being a portion of that 18.17 acre tract conveyed by Henry Wire and wife to Leland Barclay and wife by Warranty Deed dated March 3, 1942, and recorded in the Deed Records of Travis County, Texas book number 692 pages 526 to 528 and described by metes and bounds as follows:

Beginning at an iron stake the southwest corner of the Barclay 18.17 acre tract, the pipe being 1294.74 feet along the west

boundary of the 18.17 acre tract from the northwest corner of the 18.17 acre tract this northwest corner being the southwest conner of the

2/2/7

4547

Alexander Eanes Survey #507 and being also a corner of the Alexander Banes Survey #508, Then 90 feet, along the west line of the 18.17 acretract to a 1/2 inch round steel bar set in concrete for the northwest. treat to a 1/2 inch round steel bar set in concrete for the northwest for corner of this tract:
Thence S60°15'30" E 100.00 feet to a 1/2 inch round steel bar set in concrete for the northwest corner of this tract;
Thence S30°20'30" W 100.00 feet to a 1/2 inch round steel bar set in concrete in the south boundary of the 18.17 acre tract for southeast corner of this tract;
Thence N60°15'30" W 100.00 feet along the south boundary of the 18.17 acre tract to the point of beginning, said tract containing 0.2295 acres out of the Alexander Eanes survey #508; as surveyed by Leland Barclay.
Registered Public Surveyor, registration #1313.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantees. heirs and assigns their heirs, executors and administrators to forever, and we do hereby bind ourselves WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee s . their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any para

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

FOR RESTRICTIONS AND EASEMENTS SEE ATTACHMENT A

EXECUTED

	nowledgment)	
THE STATE OF TEXAS  COUNTY OF		
	TOT AND BARCLA	Y. T. C.
Before me, the undersigned authority, on this day person	ousify abbeated	
	불통하다는 말 하는 것이 없다.	72-7519
known to me to be the person whose name  that he executed the same for the purposes and c	subscribe. to the foregoing instrument, a	and acknowledged to me
Given under my hand and seal of office on this the	31 st day of January	.A.D. 1973
	Priscilla (risi)	Travis
402	Notary Public in and for	County, Texas
No. TARY SEAL		
A of	nowledgment)	1 - 1.51 1. 31
	iowiedanient)	11
THE STATE OF TEXAS COUNTY OF		11.
Before me, the undersigned authority, on this day perso	TOTALL DEED	T 877
sector-sie, the undersigned authority, on this cay perso	nally appeared JOHNIE BARC	ية <del>الاسلام</del> .
known to me to be the person whose name	subscribed to the foregoing in the party	and a share at the state of
that he executed the same for he purposes and co		nd acknowledged to me
Given under my hand and seal of office on this the	3/ st day of January	. A. D. 1973
	Throcilla Crist	Travis
NOTARY SEAT	Notary Public in and for	County, Texas.
	**************************************	
42		
A set	owledgment)	
THE STATE OF TEXAS	Owicagniess	
COUNTY OF		
Before me, the undersigned authority, on this day person	ally appeared	
정도 된 것이다. 본 경기 :		
known to me to be the person whose name	subscribed to the foregoing instrument, as	nd acknowledged to me
that he executed the same for the purposes and co		-
Given under my hand and seal of office on this the	day of	. A. D. 19
	Notary Public in and for	County, Texas.
	•	
de Armania. An esta de la companya de la company		:
		· . :
(Corporate	cknowledgment)	
THE STATE OF TEXAS		
COUNTY OF		
Before me, the undersigned authority, on this day person	ally appeared	
of exponention, known to me to be the person whose name is s	cherribad to the former	Andrew State Communication (Communication Communication Co
the executed the same for the purposes and consideration therei	respirated to the foregoing instrument, and aci n expressed, in the capacity therein, stated and	knowledged to me that as the act and deed of
said corporation.		
Given under my hand and seal of office on this the	day of	,A.D.19
45 44 3000	Notary Public in and for	County, Texas.

The above described property shall be restricted for a period of fifty (50) years to use as a site for a communications tower and attendant equipment which shall be necessary for the operation of the communications tower. Grantee, covenants and agrees, which covenants shall bind his heirs, executors and assigns, that the above described property shall be restricted as described above. Upon breach of the above conditions, Grantor or his heirs shall have the right to bring an action for re-entry for termination of interest for breach of the condition.

Grantor converte that Grantee, his successors or assigns shall have a right of egress and ingress to the above described property, over that land retained by Grantee. Said right of egress and ingress shall bind Grantor, his heirs, and assigns, being a convenant running with the land. However, in the event that egress and ingress becomes practical from the Western bounding property, the above described essement shall terminate.

STATE OF TEXAS IN THE PROPERTY OF THE STATE OF THE STATE

FEB 3 1975

COUNTY CLERK TRAYS COUNTY, TEXAS FILED
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#### PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

For additional information on the City of Austin's land development process, visit our web site: http://www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2019-0056.0A	
Contact: Cesar Zavala, 512-974-3404 or	•
Cindy Edmond, 512-974-3437	
Public Hearing: July 7, 2020, Zoning and Pla	tting Commission
Jour Cudde BACK Your Name (please print)	I am in favor
1502 SHANNON OA	KS.
Your address(es) affected by this application	****
Signature Signature	ack 06/20/202
Signature	Date '
Daytime Telephone: 5/2 328 441.	*
Comments: Proposal is for	SF-2
soming Current	lot sine
in adjacent sub	liviacons,
are over 10,000 as	
$\mathcal{O}$	$\mathcal{O}$
It replatted as.	5F-1,
no objection	
<i>d</i>	
	4774
If you use this form to comment, it may be returned	
City of Austin - Development Services Departm	ent / 4 <sup>th</sup> Floor
Cesar Zavala	

P. O. Box 1088

Austin, TX 78767-8810